hodged Under

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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

IN RE

LETTERS ROGATORY FROM

THE TRIBUNAL CANTONAL,

CANTON OF VAUD,

LAUSANNE, SWITZERLAND

CV MISC. NO. 2:58-mc-192

APPLICATION FOR ORDER

(28 U.S.C. §1782)

The United States of America by the undersigned, Thomas P. O'Brien, United States Attorney for the Central District of California, Leon W. Weidman, Assistant United States Attorney, Chief, Civil Division, by Roger E. West, Assistant United States Attorney, First Assistant Chief, petitions this Court for an Order pursuant to §1782 of Title 28 of the United States Code, in the form submitted, directing the taking of evidence from Blair Dupree who, it has been determined, resides or can be found within the jurisdiction of this Court, pursuant to the terms and conditions set forth in the Letters Rogatory issued by the above-entitled court in Lausanne, Switzerland, pertinent to the Swiss proceeding, Cedric

Mayor v. Luisa Mayor-Kugler, case number 1053/07.

Attached as Exhibit 1 is a copy of the Letters Rogatory from the Swiss court, which relates to a divorce proceeding. The questions to be posed to Blair Dupree appear on pages 8 through 18 of this Application. Pursuant to the instructions of the Swiss court, notice will be given to the Swiss court of the date, time and place of the taking of evidence. [Application page 6]

The only restrictions explicitly stated in 28 U.S.C. § 1782 are: (1) that the request be made by a foreign or international tribunal or any interested person; (2) that the testimony or material requested be for use in a proceeding in a foreign or international tribunal; and (3) that the person or entity from whom the discovery is sought is a resident of or can be found in the district where the application is filed. See In re Request for Judicial Assistance from the Seoul District Criminal Court, Seoul, Korea, 555 F.2d 720, 723 (9th Cir. 1977); United States v. Sealed 1, Letter of request for Legal Assistance from the Deputy Prosecutor General of the Russian Federation, 235 F.3d 1200, 1205 (9th Cir. 2000) (citing Korea at 555 F.2d at 723 that, "Under the statute the only restrictions explicitly stated are that the request be made by a foreign or international tribunal, and that the testimony or material requested be for use in a proceeding in such a tribunal"); In re Bayer AG, 146 F.3d 188, 192 (3d Cir. 1998).

All these three requirements are met in this case. First, the request was made by the Tribunal Cantonal for the Canton of Vaud in Lausanne, Switzerland, which is a foreign tribunal. Second, there is a proceeding in that court entitled, Cedric Mayor v. Luisa Mayor-Kugler, case number 1053/07, and the information being sought is for use in that proceeding by that court. Finally, it has been determined that Blair Dupree resides or can be found within the jurisdiction of this Court.

27 / / /

Therefore, the United States respectfully requests the Court to sign the Order, being lodged under separate cover, in order to permit the taking of evidence from Blair Dupree.

DATED: This 16 day of 1999, 2008.

THOMAS P. O'BRIEN United States Attorney LEON W. WEIDMAN Assistant United States Attorney Chief, Civil Division

ROGER E. WEST Assistant United States Attorney First Assistant Chief Civil Division

Attorneys for United States of America

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EXHIBIT 1: LETTERS ROGATORY



2:08-IIIC-00192-UA-DUTY Document 1 Filed 07/08/08 Page 5 of 18 Page ID #:5

Palais de justice de l'Hermitage Route du Signal 8 CH - 1014 Lausanne Switzerland

> United States Department of Justice Civil Divison Office of International Judicial Assistance 1100 L Street, N.W., Room #11101 8th Floor US - Washington, D.C. 20530 United States of America

V/réf

N/réf 1053 / 07 Date 25 January 2008

INTERNATIONAL JUDICIAL ASSISTANCE

Entraide judiciaire internationale

Dears Sirs,

In conformity with article 3 of the Convention signed at The Hague, the 18th of March 1970 (CLAH70), the undersigned applicant has the honour to submit the following request:

En conformité de l'article 3 de la Convention signée à La Haye, le 18 mars 1970 (CLAH70), l'autorité soussignée a l'honneur de présenter la requête suivante :

HEARING OF A WITNESS

audition d'un témoin

Names and addresses of the parties and their representatives :

Nom et adresse des parties et de leurs conseils :

- Plaintiff:

Cédric MAYOR

demandeur

Solicitor:

Me Katherin Gruber, avocate, Lausanne / Switzerland

- Defendant :

Luisa MAYOR-KUGLER

défendeur

Solicitor:

Me Reil, avocat, Lausanne / Switzerland

Identity and address of the person to be examined:

Identité et adresse de la personne à interroger :

Blair DUPREE

6175 Halsted Avenue US – Loma Vista, CA 91737 United States of America

Summary of the facts :

Résumé du litige :

- see annexe A

Questions to be put to Mr Dupree:

Questions à poser à M. Dupree :

- see annexes B and C (voir annexes B et C)

The requesting authority desires to be informed of the time when, and the place where, the proceedings will take place.

L'autorité requérante désire être <u>prélablement</u> informée de la date et du lieu fixés pour l'audition de M. Dupree.

The fees and costs incurred which are reimbursable under the second paragraph of article 14 or under article 26 of the Convention will be borne by:

Les taxes et frais donnant lieu à remboursement en vertu de l'article 14, alinéa 2 et de l'article 26 seront réglés par :

- Tribunal du canton de Vaud, CH - 1014 Lausanne.

We thank you for your collaboration.

Yours faithfully,

the Vice - President of the Cantonal Court

J.-F. Meylan

Enclosures:

Annexes:

A - Summary of facts

B - questionnaire

C - counter-questionnaire

A - résumé du litige

B - questionnaire

C - contre-questionnaire



Divorce sur requête unilatérale Cédric Mayor contre Luisa Mayor-Kugler TU06.026858/1

Résumé du litige :

Par demande du 15 septembre 2006, Cédric Mayor a ouvert action en divorce contre son épouse, Luisa Mayor, née Kugler. Dans sa réponse au divorce du 20 novembre 2006, Luisa Mayor, née Kugler, s'est opposée au divorce.

Le litige porte notamment sur le principe et le montant de la contribution d'entretien en faveur de Luisa Mayor, née Kugler.

Summary of the case:

By request dated September 15th 2006, Cedric Mayor has filed for divorce against his wife, Luisa Mayor, born Kugler. In her reply to the filing dated November 20th 2006, Luisa Mayor, born Kugler, has opposed to the divorce.

The case is notably about the principle and the amount of the maintenance in favour of Luisa Mayor, born Kugler.



TRADUCTION DU QUESTIONNAIRE DEPOSE PAR LA DEFENDERESSE POUR L'AUDITION PAR VOIE DE COMMISSION ROGATOIRE DE M. BLAIR DUPREE, AVENUE ALTA VISTA, 6175 HALSTED, CALIFORNIE, USA,

Preliminary outlining:

M. Cedric Mayor has opened a divorce action in order to obtain that the marriage celebrated on 10th october 2007 be dissolved by the divorce.

In order to position your testimony within the procedure, can you describe in a few words the relationship that you had with the parties?

Question No 1 (citation 24)

Is it true that you have been married with Mrs Luisa Mayor between 1987 and 1995?

Question No 2 (citation 25)

Except for a certificate of compulsory school studies, does the defender possess another diploma or another professional qualification?

Question No 3 (citation 26)

Is it accurate that she became pregnant at the end of her normal schooling, which did not allow her to continue with her studies?

Question No 4 (citation 29)

Is it true that Mrs Luisa Mayor-Kugler mostly devoted herself to raise her children?

Question No 5 (citation 30)

Is it true that she did not acquire a professional training nor have a professional activity in the USA during your whole common life, except for a part-time job during a few months?

Question No 6 (citations 31 and 32)

Is it true that after your separation in 1995, Mrs Luisa Mayor-Kugler took care alone of her 3 children, the youngest being 4 years old at the time?

Question No 7 (citations 33 and 34)

Is it true that you had to pay support for the maintenance of your wife and your children? Until when did you pay such support?

Question No 8 (citation 35)

Is it true that after your separation, except for some accessory hours of activity, Mrs Luisa Mayor-Kugler did not carry out any professional activity nor acquire any professional training?

Question No 9 (citation 42)

Is it true that Mr Cedric Mayor committed himself in providing maintenance for Blake, Brock and Bishop upon their arrival in Switzerland?

Question No 10 (citation 43)

Is it true that your 3 sons came back to live with you one year after their trip to Switzerland because of their difficulties in school, in particular with the French language?

Question No 11 (citation 48)

Is it true that in 2004, you were forced to send back your children to their mother, Mrs Luisa Mayor-Kugler, because of your difficult financial situation?

Question No 12 (citation 49)

Is it true that currently, only Blake is still in Switzerland?



PROPOSITION DE QUESTIONNAIRE POUR L'AUDITION PAR VOIE DE COMMISSION ROGATOIRE DE M. BLAIR DUPREE, AVENUE ALTA VISTA, 6175 HALSTED, CALIFORNIE USA

-8 MAI 2007

Exposé préliminaire:

M. Cédric Mayor a ouvert action en divorce en vue d'obtenir que le mariage célébré le 10 octobre 1997 soit dissous par le divorce.

Question n°1 (allégué 24)

Est-il exact que vous avez été marié avec Mme Luisa Mayor-Kugler entre 1987 et 1995 ?

Question n°2 (allégué 25)

Hormis un certificat de fin d'études scolaires obligatoires, la défenderesse dispose-t-elle d'un autre diplôme ou d'une autre formation professionnelle ?

Question n°3 (allégué 26)

Est-il exact qu'elle est tombée enceinte à l'issue de sa scolarité obligatoire, ce qui ne lui a pas permis de poursuivre ses études ?

Question n°4 (allégué 29)

Est-il exact que Mme Luisa Mayor-Kugler s'est principalement consacrée à l'éducation de ses enfants ?

Question n°5 (allégué 30)

Est-il exact qu'elle n'a pas acquis une formation professionnelle ni exercé une activité professionnelle aux Etats-Unis durant toute la vie commune à l'exception d'une activité à temps partiel durant quelques mois ?

Question n°6 (allégués 31 et 32)

Est-il exact qu'ensuite de votre séparation en 1995, Mme Luisa Mayor-Kugler s'est occupée seule de ses trois enfants, le plus petit ayant à l'époque tout juste 4 ans ?

Question n°7 (allégués 33 et 34)

Est-il exact que vous deviez verser une pension pour l'entretien votre épouse et de vos enfants. Jusqu'à quand avez-vous versé une telle pension ?

Question n°8 (allégué 35)

Est-il exact qu'après votre séparation, sous réserve de quelques heures d'activités accessoires, Mme Luisa Mayor-Kugler n'a pas exercé d'activité lucrative ni acquis une formation professionnelle ?

Question n°9 (allégué 42)

Est-il exact que M. Cédric Mayor s'est engagé à pourvoir à l'entretien des enfants Blake, Brock et Bishop lors de leur venue en Suisse?

Question n°10 (allégué 43)

Est-il exact que vos trois fils vous ont rejoint une année après leur venue en Suisse en raison de leurs difficultés scolaires, en particulier en français ?

Question n°11 (allégué 48)

Est-il exact qu'en 2004, vous avez été contraint d'envoyer vos enfants auprès de leur mère, Mme Luisa Mayor-Kugler, en raison de votre situation financière délicate ?

Question n°12 (allégué 49)

Est-il exact qu'actuellement, seul Blake est encore en Suisse?

Lausanne, le 7 mai 2007

Pour Luisa Mayor-Kugler

Alexandre Reil, a



Kathrin Gruber Avocate Rue de la Madeleine 33b Case postale 486 1800 Vevey 1

TRADUCTION EN ANGLAIS DU CONTRE-QUESTIONNAIRE DU DEMANDEUR EN VUE DE L'AUDITION DU TEMOIN. BLAIR DUPREE PAR VOIE DE COMMISSION ROGATOIRE

Question No 13

Did you divorce amicably from Mrs Mayor?

Question N° 14

Has Mrs Mayor ever blamed you for domestic violence?

Question No 15

Has Mrs Mayor worked during your marriage?

Question No 16

What maintenance/alimony amount due by you was foreseen by the divorce ruling in favour of Mrs Mayor and her 3 sons?

Question No 17

Did the divorce decree foresee an alimony reduction in the case where Mrs Mayor would get remarried? The reduction was of what amount?

Question No 18

Is it true that you currently maintan your 2 younger sons and that your older son lives for the moment with his mother in Switzerland?

Question No 19

After your divorce, has Mrs Mayor worked full time or part time in the law firm of Mr Rick Hadel in Kansas City?

Question No 20

How long has she worked in Rick Hadel's law firm?

Question No 21

Is it true that in addition to work during the day in this law firm, Mrs Mayor was also working in a bar at night, on top of taking care of her 3 sons?

Question No 22

Is it true that Mrs Mayor has also worked for some time in a photography laboratory after your divorce ?

Question No 23

Is it true that Mrs Mayor has worked at the Banana Republic fashion store many years back, at the beginning of your relationship?

Question No 24

Is it true that after her remarriage, you tried to prevent Mrs Mayor to take her children live with her in Switzerland in front of a Court and that you lost?

Question No 25

Is it true that you had to contact Mr Mayor at work in the fall of 1998 in order to obtain the phone number of Mrs Mayor and her 3 sons because she was not giving you her phone number?

Question No 26

Did you remain on good terms with Mrs Mayor after the divorce?

Question No 27

For your links that Mrs Mayor is able to have children in the sole goal of getting

Question No 28

Do you think that Mrs Mayor is a clever woman?

Question No 29

Do you think that Mrs Mayor is a sociable woman with an easy first contact?

Question No 30

Is it true that you have called Mrs Mayor Dr Jekyll and Mrs Hyde?

- 3 -

Question No 31

Do you think that Mrs Mayor feels like working?

Question No 32

In case she feels like working, do you think that Mrs Mayor has the capacity to find a job ?

Ainsi fait à Vevey, le 16 mai 2007

Poyr le demandeur :

Kathrin Gruber, av.



Kathrin Gruber Avocate Rue de la Madeleine 33b Case postale 486 1800 Vevey 1

CONTRE-QUESTIONNAIRE DU DEMANDEUR POUR L'AUDITION DU TEMOIN BLAIR DUPREE AVENUE ALTA VISTA, 6175 HALSTED, CALIFORNIA, USA PAR VOIE DE COMMISSION ROGATOIRE

Exposé préliminaire :

M. Cedric Mayor a ouvert action en divorce en vue d'obtenir que le mariage célébré le 10 octobre 1997 soit dissous par le divorce.

Afin de situer votre témoignage dans le cadre de la procédure, pouvez-vous décrire en quelques mots les relations que vous avez eues avec les parties ?

Question No 13

Avez-vous fait un divorce à l'amiable avec Mme Mayor?

Question N° 14

Mme Mayor vous a-t-elle jamais reproché des violences domestiques ?

Question No 15

Mme Mayor a-t-elle travaillé durant votre mariage?

Question No 16

Quel montant le jugement de divorce prononcé en 1995 a prévu que vous deviez verser à Mme Mayor pour elle et ses 3 fils ?

Question No 17

Le jugement de divorce prévoyait-il une réduction de pension pour le cas où elle se remettait en ménage ou se remariait ? A combien se montait cette réduction?

Question No 18

Est-il exact que vous entretenez en ce moment vos 2 plus jeunes fils et que votre fils majeur a décidé de vivre en Suisse avec sa mère pour le moment ?

Question No 19

Après votre divorce, Mme Mayor a-t-elle travaillé à temps complet ou à temps partiel dans l'étude d'avocat de Rick Hadel à Kansas City?

Question No 20

Pendant combien de temps a-t-elle travaillé dans ce cabinet d'avocats ?

Question No 21

Est-il exact qu'en plus de travailler dans ce cabinet d'avocats la journée et de s'occuper de ses 3 enfants, Mme Mayor travaillait également dans un bar le soir ?

Question No 22

Est-il exact que Mme Mayor a également travaillé pendant quelque temps dans un laboratoire de photographie après votre divorce ?

Question No 23

Est-il exact que Mme Mayor a travaillé chez la société de mode Banana Republic il y a de nombreuses années au début de votre relation ?

Question No 24

Est-il exact qu'après son remariage, vous avez essayé d'empêcher Mme Mayor d'emmener ses enfants vivre en Suisse devant les tribunaux et que vous avez perdu ?

Question No 25

Est-il exact que vous avez dû contacter M. Mayor à son travail en automne 1998 pour obtenir le numéro de téléphone de Mme Mayor et ses 3 fils en Suisse parce qu'elle ne vous le communiquait pas ?

Question No 26

Avez-vous gardé de bonnes relations avec Mme Mayor après le divorce ?



Question No 27

Potrova vono que Mino Mayar suit supetidade fair elector fante dans la conditat. de se faire entretenia P

Question No 28

Pensez-vous que Mme Mayor soit une femme intelligente?

Question No 29

Pensez-vous que Mme Mayor soit une femme sociable et qui a le premier contact facile ?

Question No 30

Est-il vrai que vous surnommiez Mme Mayor Dr Jekyll et Mr Hyde?

Question No 31

Pensez-vous que Mme Mayor ait envie de travailler?

Question No 32

Si elle en a envie, pensez-vous que Mme Mayor est capable de trouver un emploi ?

Ainsi fait à Vevey, le 16 mai 2007

Pour le demandeur :

Kathrin Gruber, av.

Questions complémentaires pour l'audition par voie de commission rogatoire de M. Blair Dupree, avenue Alta Vista, 6175 HALSTED, Californie USA

Ad Question no 25 : si cela est exact, pourriez-vous expliquer le contexte de cet épisode ?

(It yes, could you explain the context of this episode?)

ad Question no 30 : si cela est vrai, est ce que ce surnom était sérieux ?

(If yes, was this wickname meant seriously?)

Le président :

Michel CARRARD